

Regular Session, 2010

HOUSE BILL NO. 271

BY REPRESENTATIVE MILLS

CRIME: Creates the crime of illegally selling urine or adulterants to circumvent screening tests

1 AN ACT

2 To enact R.S. 14:102.24, relative to offenses affecting the public generally; to create the
3 crime of unlawfully supplying any product for the purpose of falsifying a screening
4 test; to provide for penalties; to create certain presumptions; to provide for
5 definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:102.24 is hereby enacted to read as follows:

8 §102.24. Unlawfully supplying any product for the purpose of falsifying a screening
9 test

10 A. Unlawfully supplying any product for the purpose of falsifying or altering
11 a drug, urine, or alcohol screening test is committed when a person intentionally:

12 (1) Sells, trades, furnishes, supplies, gives, distributes, or markets human or
13 synthetic urine in this state or transports human or synthetic urine into this state with
14 the intent of using the urine to falsify or alter results in a urine, drug, or alcohol
15 screening test.

16 (2) Advertises for sale any product designed to falsify or alter a urine, drug,
17 or alcohol screening test.

18 (3) Adulterates a urine or other bodily fluid sample with the intent to falsify
19 or alter results in a urine, drug, or alcohol screening test.

1 (4) Possesses adulterants which are intended to be used to adulterate a urine
2 or other bodily fluid sample for the purpose of falsifying or altering results in a urine,
3 drug, or alcohol screening test.

4 (5) Sells, trades, furnishes, supplies, gives, distributes, or markets an
5 adulterant with the intent by the seller or marketer that the product be used to
6 adulterate a urine or other bodily fluid sample for the purpose of falsifying or
7 altering results in a urine, drug, or alcohol screening test.

8 B. The intent to falsify or alter results in a urine, drug, or alcohol screening
9 test shall be presumed if either of the following occur:

10 (1) A heating element or any other device used to thwart a drug screening
11 test accompanies the sale, trading, furnishing, supplying, giving, distribution, or
12 marketing of urine or adulterants.

13 (2) Instructions that provide a method for thwarting a drug screening test
14 accompany the sale, giving, distribution, or marketing of urine or adulterants.

15 C. As used in this Section, "adulterant" means a substance that is not
16 expected to be in human urine or a substance expected to be present in human urine
17 but that is at a concentration so high that it is not consistent with human urine,
18 including, but not limited to:

19 (1) Bleach.

20 (2) Chromium.

21 (3) Creatinine.

22 (4) Detergent.

23 (5) Glutaraldehyde.

24 (6) Hydrochloric acid.

25 (7) Hydroiodic acid.

26 (8) Iodine.

27 (9) Nitrite.

28 (10) Peroxidase.

29 (11) Potassium dichromate.

- 1 (12) Potassium nitrite.
- 2 (13) Pyridinium chlorochromate.
- 3 (14) Sodium nitrite.
- 4 D. Whoever commits the crime of unlawfully supplying any product for the
- 5 purpose of falsifying or altering a drug, urine, or alcohol screening test shall be fined
- 6 not more than five hundred dollars, or imprisoned for not more than six months, or
- 7 both.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Mills

HB No. 271

Abstract: Creates the crime of unlawfully supplying any product for the purpose of falsifying or altering a screening test.

Proposed law creates the crime of unlawfully supplying any product for the purpose of falsifying or altering a screening test.

Proposed law provides that unlawfully supplying any product for the purpose of falsifying or altering a drug, urine, or alcohol screening test is committed when a person intentionally:

- (1) Sells, trades, furnishes, supplies, gives, distributes, or markets human or synthetic urine in this state or transports human or synthetic urine into this state with the intent of using the urine to falsify or alter results in a urine, drug, or alcohol screening test.
- (2) Advertises for sale any product designed to falsify or alter a urine, drug, or alcohol screening test.
- (3) Adulterates a urine or other bodily fluid sample with the intent to falsify or alter results in a urine, drug, or alcohol screening test.
- (4) Possesses adulterants which are intended to be used to adulterate a urine or other bodily fluid sample for the purpose of falsifying or altering results in a urine, drug, or alcohol screening test.
- (5) Sells, trades, furnishes, supplies, gives, distributes, or markets an adulterant with the intent by the seller or marketer that the product be used to adulterate a urine or other bodily fluid sample for the purpose of falsifying or altering results in a urine, drug, or alcohol screening test.

Proposed law defines "adulterant".

Proposed law provides penalties of imprisonment for not more than six months, or a fine of not more than \$500, or both.

(Adds R.S. 14:102.24)